

# COURT OF CRIMINAL APPEALS

## Analysis of Activity for the Year Ending August 31, 1984

The Court of Criminal Appeals is the highest state court for criminal appeals and is composed of a Presiding Judge and eight judges. Additionally, pursuant to article 1811e, V.T.C.S., special commissioners may be designated to serve as needed to aid and assist the Court.

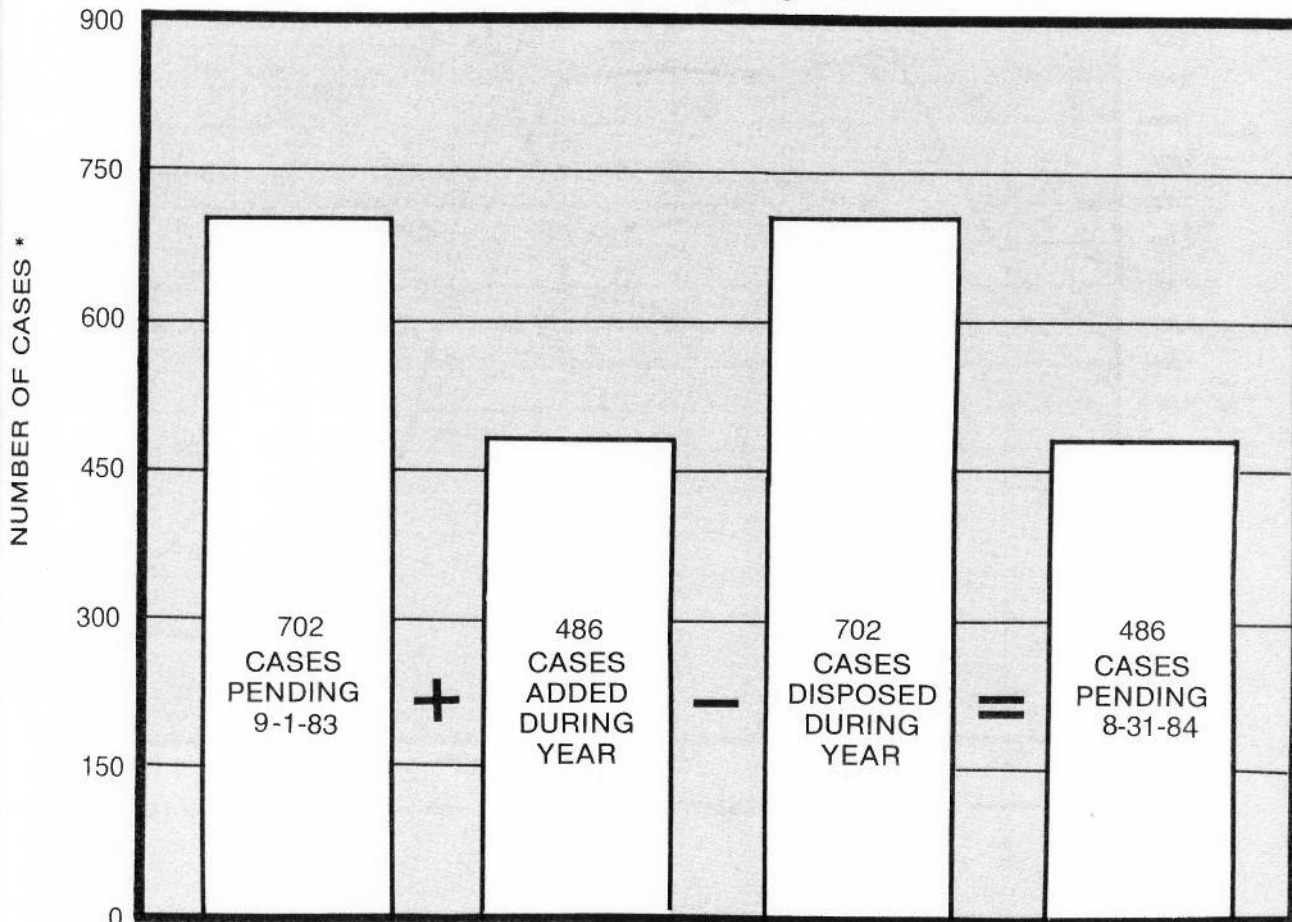
Until September 1, 1981, the Court of Criminal Appeals received all criminal cases appealed from the district and county-level trial courts of the State. On that date, a constitutional amendment together with implementing legislation became effective which conferred on the 14 Courts of Appeals intermediate appellate jurisdiction in all criminal cases except those in which the death penalty was assessed. Appeal of these death penalty cases remains direct to the Court of Criminal Appeals. Decisions by the Courts of Appeals in criminal cases may be appealed to the Court of Criminal Appeals by petition for discretionary review by the State or defendant, or the Court may review a decision on its own motion.

### Jurisdiction Change Reduces Filings

Conferring of criminal jurisdiction on the Courts of Appeals has greatly reduced the number of new cases filed in the Court of Criminal Appeals. In calendar year 1983, a total of 492 new cases were filed, 319 of them by petition for discretionary review granted by the Court. During the state fiscal year ending August 31, 1984, there was a total of 486 new cases filed, 300 of them by petition for discretionary review. The 486 new cases represent a decrease of 1 percent from calendar year 1983. In addition to those cases which were added to the docket, the Court also reviewed 778 other petitions for discretionary review which were refused.

This reduction in the number of cases presented to the Court of Criminal Appeals has enabled the Court to make a substantial reduction of the backlog of pending cases. There were 2,471 cases pending with the Court at the beginning of

Figure 4.  
TOTAL WORKLOAD, COURT OF CRIMINAL APPEALS \*  
Year Ending August 31, 1984



\*Includes direct appeals and cases where petition for discretionary review is granted

# COURT OF CRIMINAL APPEALS

## Statistics for the Year Ending August 31, 1984 (Continued)

### CASES

A. Cases Pending September 1, 1983:

1. Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs . . . . .	540	
2. Cases with granted petitions for discretionary review (including rehearings granted) . . . . .	162	
SUB-TOTAL CASES PENDING SEPTEMBER 1, 1983 . . . . .		702

B. Cases Added to Docket During the Year Ending August 31, 1984:

1. Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs filed . . . . .	150	
2. Direct appeals reinstated on docket . . . . .	12	
3. Granted petitions for discretionary review . . . . .	300	
4. Rehearings granted on cases considered under discretionary review . . . . .	24	
SUB-TOTAL CASES ADDED . . . . .		486
TOTAL CASES ON DOCKET . . . . .		<u>1,188</u>

C. Disposition of Cases During the Year Ending August 31, 1984:

1. Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs:		
Affirmed . . . . .	281	
Reformed and affirmed . . . . .	3	
Reversed and remanded . . . . .	60	
Reversed and dismissed or reformed to show acquittal . . . . .	27	
Remanded to trial courts for hearing . . . . .	5	
Appeals abated . . . . .	8	
Appeals dismissed . . . . .	14	
Habeas corpus relief granted . . . . .	55	
Habeas corpus relief denied . . . . .	26	
Habeas corpus applications dismissed . . . . .	2	
Mandamus relief granted . . . . .	2	
Mandamus relief denied . . . . .	1	
Order denying bail set aside . . . . .	1	
Habeas corpus relief conditionally granted . . . . .	<u>1</u>	
SUB-TOTAL . . . . .		486

# COURT OF CRIMINAL APPEALS

## Statistics for the Year Ending August 31, 1984 (Continued)

2. On granted petition for discretionary review:

Court of Appeals affirmed . . . . .	62
Court of Appeals and trial court affirmed . . . . .	5
Court of Appeals affirmed; remanded to trial court. . . . .	2
Court of Appeals reversed; remanded to Court of Appeals . . . . .	24
Court of Appeals reversed; remanded to trial court. . . . .	9
Court of Appeals and trial court reversed; remanded to Court of Appeals . . . . .	2
Court of Appeals and trial court reversed; remanded to trial court. . . . .	11
Court of Appeals and trial court reversed; remanded . . . . .	4
Remanded to Court of Appeals. . . . .	21
Court of Appeals reversed (or in part); trial court affirmed (or in part). . . . .	17
Court of Appeals affirmed; remanded to Court of Appeals . . . . .	1
Judgment affirmed . . . . .	9
Court of Appeals reformed and affirmed . . . . .	1
Court of Appeals reformed; trial court reformed and affirmed . . . . .	1
Court of Appeals and trial court reversed; reformed to show acquittal . . . . .	5
Court of Appeals reversed . . . . .	1
Trial court reversed; remanded to trial court . . . . .	2
Remanded to trial court . . . . .	1
Petition refused. . . . .	3
Petition denied . . . . .	1
Dismissal order vacated; remanded to Court of Appeals . . . . .	1
Court of Appeals vacated; remanded to Court of Appeals. . . . .	6
Reversed in part; affirmed in part. . . . .	1
Reversed and prosecution/indictment dismissed . . . . .	2
Dismissed . . . . .	6
Dismissed/refused as improvidently granted. . . . .	15
Abated. . . . .	<u>3</u>
 SUB-TOTAL . . . . .	 <u>216</u>
 TOTAL DISPOSITIONS . . . . .	 <u>702</u>

D. Cases Pending August 31, 1984:

1. Direct appeals, death penalty appeals, granted habeas corpus writs, and extraordinary writs:

Under original submission . . . . .	171
Under submission on rehearing . . . . .	24
Pending on motions for rehearing. . . . .	3
Pending on motions for leave to file motions for rehearing . . . . .	4
Unsubmitted . . . . .	<u>14</u>
 SUB-TOTAL . . . . .	 216

2. Pending on granted discretionary review:

Under original submission, unsubmitted and pending on motions for rehearing. . . . .	<u>270</u>
 SUB-TOTAL . . . . .	 <u>270</u>
 TOTAL CASES PENDING AUGUST 31, 1984 . . . . .	 <u>486</u>

**COURT OF CRIMINAL APPEALS**  
**Statistics for the Year Ending August 31, 1984 (Continued)**

**PETITIONS FOR DISCRETIONARY REVIEW**

A. <u>Petitions for Discretionary Review Pending September 1, 1983</u> . . . . .	387
B. <u>Petitions for Discretionary Review Filed During Year</u> . . . . .	1,281*
TOTAL PETITIONS ON DOCKET . . . . .	<u>1,668</u>
C. <u>Disposition of Petitions for Discretionary Review:</u>	
Granted. . . . .	300
Refused. . . . .	778
Dismissed. . . . .	<u>3</u>
TOTAL PETITIONS DISPOSED . . . . .	<u>1,081</u>
D. <u>Petitions for Discretionary Review Pending August 31, 1984</u> . . . . .	<u>587</u>

**APPLICATIONS FOR WRITS OF HABEAS CORPUS**

A. <u>Applications Pending September 1, 1983</u> . . . . .	304
B. <u>Applications Filed During Year Ending August 31, 1984</u> . . . . .	1,797
TOTAL APPLICATIONS ON DOCKET . . . . .	<u>2,101</u>
C. <u>Disposition of Applications for Writs of Habeas Corpus, etc.:</u>	
Applications ordered filed and set for submission. . . . .	88
Hearings ordered on applications . . . . .	59
Applications granted with written orders . . . . .	12
Applications denied with written orders. . . . .	52
Applications denied without written orders . . . . .	1,464
Applications dismissed . . . . .	12
Applications marked "no action". . . . .	51
Out of time appeals granted. . . . .	<u>13</u>
TOTAL APPLICATIONS DISPOSED. . . . .	<u>1,751</u>
D. <u>Applications for Writ of Habeas Corpus Pending August 31, 1984</u> . . . . .	<u>350</u>

\*Because more than one petition for discretionary review may be filed in a case, this figure is higher than the actual number of cases brought to the court on petition for discretionary review.

# COURT OF CRIMINAL APPEALS

## Statistics for the Year Ending August 31, 1984 (Continued)

### MOTIONS FOR REHEARING AND APPLICATIONS FOR EXTENSION OF TIME

A. Motions for Rehearing of Direct Appeals:

Motions granted with written opinions . . . . .	11
Motions overruled/denied with written opinions. . . . .	11
Motions overruled/denied without written opinions . . . . .	5
Leave to file motions for rehearing granted . . . . .	19
Leave to file motions for rehearing denied. . . . .	<u>116</u>
SUB-TOTAL . . . . .	162

B. Motions for Rehearing of Discretionary Review Cases or Petitions:

Motions denied. . . . .	168
Motions granted . . . . .	<u>24</u>
SUB-TOTAL . . . . .	192

C. Applications for Extension of Time to File Transcriptions of  
Court Reporters' Notes, Bills of Exceptions, Briefs, and Petitions  
for Discretionary Review Considered and Disposed of by the Court. . . . .

	<u>545</u>
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TOTAL MOTIONS FOR REHEARING AND APPLICATIONS. . . . . 899

### OPINIONS DELIVERED BY THE COURT DURING YEAR ENDING AUGUST 31, 1984

Original opinions . . . . . (Per curiam). . . . .	403
(Signed). . . . .	286
Concurring opinions . . . . .	56
Dissenting opinions . . . . .	99
Opinions concurring in part, dissenting in part . . . . .	6
Opinions granting rehearing . . . . .	12
Opinions denying rehearing. . . . .	<u>9</u>
TOTAL OPINIONS DELIVERED . . . . .	<u><u>871</u></u>

# COURT OF CRIMINAL APPEALS

## Statistics for the Year Ending August 31, 1984 (Continued)

OPINIONS WRITTEN BY JUDGES OF THE COURT OF CRIMINAL APPEALS

JUDGES	DECIDING OPINIONS		Concurring Opinions	Dissenting Opinions	Concurring In Part & Dissenting In Part	Opinions Granting Rehearing	Opinions Denying Rehearing	TOTAL
	Per Curiam Opinions	Signed Opinions						
JOHN F. ONION, JR. Presiding Judge	48	42	1	7	1	1	2	102
WENDELL A. ODOM Judge	26	27	1	4	0	1	1	60
TOM G. DAVIS Judge	34	35	1	0	0	2	1	73
W. C. DAVIS Judge	67	38	3	0	0	0	1	109
SAM HOUSTON CLINTON Judge	28	25	26	26	2	0	1	108
MICHAEL J. MCCORMICK Judge	49	35	5	15	0	3	2	109
MARVIN O. TEAGUE Judge	75	19	9	37	2	3	0	145
CHUCK MILLER Judge	25	40	8	8	0	1	1	83
CHARLES F. CAMPBELL Judge	30	24	2	2	1	1	0	60
CARL E. F. DALLY Commissioner	21	1	0	0	0	0	0	22
TOTAL	403	286	56	99	6	12	9	871

# COURT OF CRIMINAL APPEALS

## Statistics for the Year Ending August 31, 1984 (Continued)

COUNTIES FROM WHICH PETITIONS FOR DISCRETIONARY REVIEW WERE FILED  
DURING YEAR ENDING AUGUST 31, 1984

<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>	<u>County</u>	<u>Cases</u>
Harris	335	Williamson	5	Cooke	2	Hutchinson	1
Dallas	263	Culberson	4	Gaines	2	Jack	1
Travis	71	Grayson	4	Goliad	2	Jasper	1
Tarrant	63	Harrison	4	Hale	2	Kimble	1
Bexar	39	Johnson	4	Maverick	2	Kleberg	1
Nueces	37	Victoria	4	Parker	2	Lampasas	1
El Paso	34	Wise	4	Trinity	2	Lavaca	1
Jefferson	25	Angellina	3	Tyler	2	Liberty	1
Lubbock	21	Bee	3	Val Verde	2	Limestone	1
Cameron	21	Bowie	3	Walker	2	Live Oak	1
Bell	16	Burnet	3	Webb	2	Llano	1
Collin	14	Dawson	3	Austin	1	Madison	1
Galveston	14	Ellis	3	Bandera	1	Marion	1
Taylor	14	Freestone	3	Burleson	1	Montague	1
Brazos	13	Guadalupe	3	Cass	1	Montgomery	1
Hidalgo	12	Hunt	3	Chambers	1	Moore	1
Potter	12	Jackson	3	Collingsworth	1	Navarro	1
Brazoria	11	Kerr	3	Comal	1	Nolan	1
Fort Bend	11	Orange	3	Dallam	1	Ochiltree	1
Gregg	10	San Patricio	3	Delta	1	Palo Pinto	1
Midland	10	Shelby	3	Dimmit	1	Panola	1
Caldwell	9	Smith	3	Duval	1	Pecos	1
Ector	9	Terry	3	Eastland	1	Rusk	1
Nacogdoches	9	Wichita	3	Falls	1	Swisher	1
McLennan	7	Willacy	3	Fannin	1	Terrell	1
Denton	6	Anderson	2	Fisher	1	Titus	1
Tom Green	6	Atascosa	2	Gray	1	Waller	1
Aransas	5	Brooks	2	Hays	1	Ward	1
Milam	5	Brown	2	Hill	1	Wheeler	1
Randall	5	Calhoun	2	Hockley	1	Wilson	1
Van Zandt	5	Childress	2	Hopkins	1	Wood	1
				Houston	1	TOTAL	1,281

CASES IN WHICH PETITIONS FOR DISCRETIONARY REVIEW WERE FILED AS RECEIVED FROM COURTS OF APPEALS  
DURING YEAR ENDING AUGUST 31, 1984

FIRST, Houston	183	EIGHTH, El Paso	62
SECOND, Fort Worth	112	NINTH, Beaumont	61
THIRD, Austin	85	TENTH, Waco	58
FOURTH, San Antonio	33	ELEVENTH, Eastland	51
FIFTH, Dallas	240	TWELFTH, Tyler	31
SIXTH, Texarkana	31	THIRTEENTH, Corpus Christi	112
SEVENTH, Amarillo	53	FOURTEENTH, Houston	169
		TOTAL	1,281